

REMARKS

Claims 48-51 and 53-57 remain in the application. Further examination and reconsideration of the application is hereby requested.

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On page 2 of the Office Action, the Examiner objected to the specification because the Title was not descriptive and a new abstract was required. Applicants in the preliminary amendment which accompanied this divisional of the parent application included an amendment to amend the Title and the Abstract.

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Applicants believe the Examiner may have inadvertently overlooked these amendments. Accordingly, the Applicants believe that the prior Title amendment and amended abstract meet the Examiner's request. Accordingly, withdrawal of the objection is respectfully requested.

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On Page 3 of the Office Action, the Examiner rejected claims 48-51 and 53-54 and on page 4, claims 55-57 under the judicially created doctrine of obviousness-type double patenting over claims 1 and 3 of US Patent No.

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6,558,968. The Applicants respectfully disagree with the Examiner's statement that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to etch the protective layer to expose the flat cathode emission surface...". Applicants note that these claims were restricted out of the parent application as being directed to a different invention. However, Applicants are submitting herewith a timely filed terminal disclaimer to claims 1 and 3 of US Patent No. 6,558, 968. Withdrawal of this rejection and allowance of claims 48-51 and 53-57 is respectfully requested.

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Applicants believe their claims as amended previously are patentable over the art of record, and that the amendments previously made herein were within the scope of a search properly conducted under the provisions of MPEP 904.02.

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Accordingly, claims 48-51 and 53-57 are deemed to be in condition for allowance, and such allowance is respectfully requested.

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If for any reason the Examiner finds the Application other than in a condition for allowance, the Examiner is respectfully requested to call Applicants' undersigned representative at the number listed below to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2025. Should such fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefore.

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Respectfully Submitted,

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